

JS 44 (Rev. 12/07, NJ 5/08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

VANDA SYLVESTER

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire  
Kimmel & Silverman, P.C.  
30 E. Butler Pike  
Ambler, PA 19002  
(215) 540-8888

**DEFENDANTS**

NCO FINANCIAL SYSTEMS, INC.

County of Residence of First Listed Defendant \_\_\_\_\_

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known) \_\_\_\_\_

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Section 1692

Brief description of cause:

Fair Debt Collection Practices Act

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

Explanation:

4/14/2010

DATE

SIGNATURE OF ATTORNEY OF RECORD

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 120 Valley Bluff Drive, Fayetteville, GA 30215  
 Address of Defendant: 507 Prudential Road, Horsham, PA 19044  
 Place of Accident, Incident or Transaction: 120 Valley Bluff Drive, Fayetteville, GA 30215  
 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 15 U.S.C § 1692  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Craig Ther Kimmel, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 4/14/2010

Craig Ther Kimmel  
Attorney-at-Law

57100

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/14/2010

Craig Ther Kimmel  
Attorney-at-Law

57100

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Vanda Sylvester : CIVIL ACTION  
v. :  
NCO Financial Systems, Inc. : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ☒

<u>4/14/2010</u> <b>Date</b>	<u>Craig Thor Kimmel</u> <b>Attorney-at-law</b>	<u>Vanda Sylvester</u> <b>Attorney for</b>
<u>(215) 540-8888</u> <b>Telephone</b>	<u>(215) 540-8817</u> <b>FAX Number</b>	<u>Kimmel@creditlaw.com</u> <b>E-Mail Address</b>

1  
2  
3 **UNITED STATES DISTRICT COURT**  
4 **FOR THE**  
5 **EASTERN DISTRICT OF PENNSYLVANIA**

6 VANDA SYLVESTER,

7 Plaintiff

8 v.

9 NCO FINANCIAL SYSTEMS, INC.,

10 Defendant

Civil Action No.:

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

**(Unlawful Debt Collection Practices)**

11  
12 **COMPLAINT**

13 VANDA SYLVESTER ("Plaintiff"), by her attorneys, KIMMEL &  
14 SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS,  
15 INC. ("Defendant"):

16 **INTRODUCTION**

17 1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection  
18 Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

19  
20 **JURISDICTION AND VENUE**

21 2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which  
22 states that such actions may be brought and heard before "any appropriate United  
23 States district court without regard to the amount in controversy," and 28 U.S.C. §  
24 1331 grants this court original jurisdiction of all civil actions arising under the laws  
25 of the United States.

3. Defendant conducts business in the state of Pennsylvania and as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

### **PARTIES**

6. Plaintiff is a natural person residing in Fayetteville, Georgia.

7. Plaintiff is a person granted a cause of action under the FDCPA. See 15 U.S.C. § 1692k(a) and Wenrich v. Cole, 2000 U.S. Dist. LEXIS 18687 (E.D. Pa. Dec. 22, 2000).

8. Defendant is a national debt collection company with its principal place of business located at 507 Prudential Road, Horsham, Pennsylvania, 19044.

9. Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff when seeking to collect a consumer debt of another person.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **PRELIMINARY STATEMENT**

11. The Fair Debt Collection Practices Act ("FDCPA") is a comprehensive statute, which prohibits a catalog of activities in connection with the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that violates its provisions, and establishes general standards of debt collector conduct, defines abuse, and provides for specific

1 consumer rights. 15 U.S.C. § 1692k. The operative provisions of the FDCPA  
2 declare certain rights to be provided to or claimed by debtors, forbid deceitful and  
3 misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or  
4 unconscionable conduct, both generally and in a specific list of disapproved  
5 practices.

6 12. In particular, the FDCPA broadly enumerates several practices  
7 considered contrary to its stated purpose, and forbids debt collectors from taking  
8 such action. The substantive heart of the FDCPA lies in three broad prohibitions.  
9 First, a “debt collector may not engage in any conduct the natural consequence of  
10 which is to harass, oppress, or abuse any person in connection with the collection  
11 of a debt.” 15 U.S.C. § 1692d. Second, a “debt collector may not use any false,  
12 deceptive, or misleading representation or means in connection with the collection  
13 of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use unfair  
14 or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. §  
15 1692f. The FDCPA is designed to protect consumers from unscrupulous  
16 collectors, whether or not there exists a valid debt, broadly prohibits unfair or  
17 unconscionable collection methods, conduct which harasses, oppresses or abuses  
18 any debtor, and any false, deceptive or misleading statements in connection with  
19 the collection of a debt.

20 13. In enacting the FDCPA, the United States Congress found that “[t]here is  
21 abundant evidence of the use of abusive, deceptive, and unfair debt collection  
22 practices by many debt collectors,” which “contribute to the number of personal  
23 bankruptcies, to marital instability, to the loss of jobs, and to invasions of  
24 individual privacy.” 15 U.S.C. § 1692a. Congress additionally found existing  
25



1 laws and procedures for redressing debt collection injuries to be inadequate to  
2 protect consumers. 15 U.S.C. § 1692b.

3 14. Congress enacted the FDCPA to regulate the collection of consumer  
4 debts by debt collectors. The express purposes of the FDCPA are to “eliminate  
5 abusive debt collection practices by debt collectors, to insure that debt collectors  
6 who refrain from using abusive debt collection practices are not competitively  
7 disadvantaged, and to promote consistent State action to protect consumers against  
8 debt collection abuses.” 15 U.S.C. § 1692e.

9  
10 **FACTUAL ALLEGATIONS**

11 15. Defendant and others it retained began in January 2010 constantly and  
12 continuously placing harassing and abusive collection calls to Plaintiff seeking and  
13 demanding payment for an alleged consumer debt of another person, specifically a  
14 George Goodridge [sic].

15 16. Upon information and belief, the alleged debt Defendant was seeking to  
16 collect arose out of transactions which were primarily for personal, family, or  
17 household purposes.

18 17. Defendant and others it retained placed calls to Plaintiff’s home and  
19 cellular telephones.

20 18. Defendant identified the debtor as George Goodridge [sic] (“Mr.  
21 Goodridge”).

22 19. Defendant and others it retained left messages on Plaintiff’s answering  
23 machine informing Plaintiff that Defendant needed to speak with Mr. Goodridge  
24 about a debt.

25 20. Plaintiff spoke with Defendant and others it retained on numerous

occasions to advise that she did not know Mr. Goodridge, Mr. Goodridge did not live with her, and not to call her anymore.

21. Defendant and others it retained argued with Plaintiff, telling her to put Mr. Goodridge on the "damn phone."

22. Despite Plaintiff's requests and instructions not to contact her about Mr. Goodridge, Defendant and others it retained still continued to contact Plaintiff.

23. Defendant and others it retained contacted Plaintiff on average two times a day, at least five days a week in the months of January and February 2010 in its attempts to collect an alleged debt from Mr. Goodridge.

24. Oftentimes, Defendant would contact Plaintiff at inconvenient times for her, such as before 8:00 a.m. and after 7:00 p.m. on weekdays as well as on Sunday mornings.

25. Also, Defendant contacted Plaintiff on holidays, most recently Defendant contacted Plaintiff on President's Day, a federal holiday, looking for Mr. Goodridge.

26. Defendant's repetitive calls to Plaintiff after 7:00 p.m. interrupted her grandson's sleep and caused him to have problems at school.

27. Further, Defendant's repetitive phone calls to Plaintiff caused her stress and elevated her blood pressure, necessitating that she delay surgery.

28. The repetitive calls to Plaintiff were disturbing, harassing, an invasion of privacy and caused Plaintiff not to answer her phone.

### **CONSTRUCTION OF APPLICABLE LAW**

29. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry, deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes



1 strict liability, a consumer need not show intentional conduct by the debt collector  
2 to be entitled to damages.” Russell v. Equifax A.R.S., 74 F. 3d 30 (2nd Cir. 1996);  
3 see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding  
4 unintentional misrepresentation of debt collector’s legal status violated FDCPA);  
5 Clomon v. Jackson, 988 F. 2d 1314 (2nd Cir. 1993).

6 30. The FDCPA is a remedial statute, and therefore must be construed  
7 liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235  
8 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts  
9 interpret it liberally. Clark v. Capital Credit & Collection Services, Inc., 460 F. 3d  
10 1162 (9th Cir. 2006). “Because the FDCPA, like the Truth in Lending Act (TILA)  
11 15 U.S.C § 1601 *et seq.*, is a remedial statute, it should be construed liberally in  
12 favor of the consumer.” Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).

13 31. The FDCPA is to be interpreted in accordance with the “least  
14 sophisticated” consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168  
15 (11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v.  
16 Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA  
17 was not “made for the protection of experts, but for the public - that vast multitude  
18 which includes the ignorant, the unthinking, and the credulous, and the fact that a  
19 false statement may be obviously false to those who are trained and experienced  
20 does not change its character, nor take away its power to deceive others less  
21 experienced.” Id. The least sophisticated consumer standard serves a dual purpose  
22 in that it ensures protection of all consumers, even naive and trusting, against  
23 deceptive collection practices, and protects collectors against liability for bizarre or  
24 idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at 1318.

**COUNT I**  
**DEFENDANT VIOLATED**  
**THE FAIR DEBT COLLECTION PRACTICES ACT**

32. Defendant violated the FDCPA based on the following:
- a. Defendant violated of the FDCPA generally.
  - b. Defendant violated § 1692b(2) of the FDCPA by informing Plaintiff that Mr. Goodridge owed a debt.
  - c. Defendant violated § 1692(b)(3) of the FDCPA by calling Plaintiff more than once in connection for the collection of a debt for another individual.
  - d. Defendant violated § 1692c(b) of the FDCPA by communicating with Plaintiff about a debt allegedly owed by Mr. Goodridge.
  - e. Defendant violated § 1692d of the FDCPA by harassing Plaintiff in connection with the collection of an alleged debt.
  - f. Defendant violated § 1692d(2) of the FDCPA by using obscene or profane language or language the natural consequence of which is to abuse the hearer.
  - g. Defendant violated § 1692d(5) of the FDCPA by causing a telephone to ring and engaging Plaintiff in telephone conversations repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
  - h. Defendant violated § 1692f of the FDCPA by using unfair and unconscionable means with Plaintiff to collect or attempt to collect a debt.

33. As a result of the above violations of the FDCPA, Defendant is liable to

1 Plaintiff in the sum of Plaintiff's actual damages, statutory damages, and attorney's  
2 fees and costs.

3 **WHEREFORE**, Plaintiff, VANDA SYLVESTER, respectfully prays for a  
4 judgment as follows:

- 5 a. Declaratory judgment that Defendant's conduct violated the  
6 FDCPA;
- 7 b. All actual compensatory damages suffered pursuant to 15  
8 U.S.C. § 1692k(a)(1);
- 9 c. Statutory damages of \$1,000.00 for each violation of the  
10 FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- 11 d. All reasonable attorneys' fees, witness fees, court costs and  
12 other litigation costs incurred by Plaintiff pursuant to 15 U.S.C.  
13 § 1692k(a)(3); and
- 14 e. Any other relief deemed appropriate by this Honorable Court.

15  
16 **JURY DEMAND**

17 Pursuant to Civil Rule 38, Plaintiff hereby demands a trial by jury on all  
18 issues in this action, and any issues relating to the amount of attorneys' fees and  
19 litigation costs to be awarded should Plaintiff prevail on any of her claims in this  
20 action.  
21  
22  
23  
24  
25

**CERTIFICATION PURSUANT TO L. CIV. R. 11.2**

I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not the subject of any other action pending in any court, arbitration or administrative proceeding.

RESPECTFULLY SUBMITTED,

DATED: April 14, 2010

KIMMEL & SILVERMAN, P.C..

By: /s/ Craig Thor Kimmel

Craig Thor Kimmel

Attorney ID # 57100

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